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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/403,071

01/13/2000

TAKUYA NISHIMURA

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6807

7590

10/06/2003

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EXAMINER

TRAN, TONGOC

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,071

Examiner

Tongoc Tran

Applicant(s)

NISHIMURA ET AL.

Art Unit

2134

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2000.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This office action is in response to applicants' application serial no. 09/403/071 filed on 1/13/2000.

Specification

2. The disclosure is objected to because of the following informalities:

Page 8, line 20, the phrase "claim 3" appears to be a typographical error.

Appropriate correction is required.

Information Disclosure Statement

3. The information disclosure statement filed on 10/13/1999 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Japan on 2/13/98, 6/1/1998 and 8/7/1998. It is noted, however, that applicant has not filed a certified copy of the applications H10-031,847, H10-151,586 and H0-224,825 as required by 35 U.S.C. 119(b).

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Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 10, 12, 17-33 and 43 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Okuyama (U.S. Patent No. 5,987,126) in view of Ekushingu (JP Patent No. 08-214090).

7. In respect to claim 1-4, 10, 17-19, 25-30 and 43, Okuyama discloses a digital AV data transmitting unit, a receiving unit and a transceiving system and a medium storing program comprising:

data significance deciding means for deciding the significance degree of digital AV data (see col. 9, lines 37-61, a detector);

transmitting-side authentication selecting means for selecting one type of rule from the transmitting-side plurality of authentication rules storing means in accordance with a decision result by the data significance deciding means when receiving an authentication request (see col. 9, lines 37-65); and

transmitting-side authenticating means for performing authentication request (see col. 9, lines 37-65); and

transmitting-side authenticating means for performing authentication in accordance with the selected authentication rule (see col. 9, lines 37-61);

a receiving unit for communicating with a transmitting unit (see Fig. 16);

a receiving unit comprising at least:

an authentication requesting means for requesting the authentication (see col. 9, line 61-col. 10, line 18, channel number request notifier);

receiving-side authentication selecting means for selecting the same authentication rule as the predetermined authentication rule selected by the transmitting-side authentication selecting means (see col. 36, lines 10-22);

received-side authenticating means for performing authentication at the receiving side in accordance with the select authentication rule (see col. 36, lines 10-22);

Okuyama discloses an encryptor and a decryptor encrypting and decrypting data corresponding to the channel numbers with copy prohibition specification or copy permit specification for only once by the generation management information but does not explicitly disclose said information is stored in a plurality-of-authentication-rule storing means (see col. 9, lines 37-61, an encryptor). However, Ekushingu discloses an encryption and decryption program storage means to memorize the encryption and decryption program corresponding to different information access level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to utilize a storing mean to store plurality of encryption for the purpose of providing encryption for different level of access needs.

8. In respect to claims 5, 6 and 12, Okuyama further discloses the transmitting unit has the functions of the receiving unit and the receiving unit has the function of the transmitting unit (see col. 9, lines 61-65);

wherein three or more of the receiving units having the functions of the transmitting unit are connected each other so that digital AV data can be transferred each other (see Fig. 23, and col. 27, lines 40-50).

9. Claims 11, 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama (U.S. Patent No. 5,987,126) in view of Ekushingu (JP Patent No. 08-214090) and Jones (U.S. Patent No. 5,655,077).

10. In respect to claims 11, 34-42, Okuyama further disclose wherein the control criterion is capable of identifying an illegal or legal digital AV data receiving unit; and cancels the authentication when the ID is unqualified for authentication (see col. 19, lines 45-56) but does not explicitly discloses said control criterion is a reference list. However, Jones discloses a list is provided for authenticating authorized computer (see col. 9, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a predetermined reference list to identify an authorized receiver for faster and convenient data transmission.

Furthermore, Okuyama discloses an information identification to identified the device (see col. 8, lines 38-43) but does not discloses using signature generated from an ID of

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the receiving unit to authenticate receiving unit. However, Jones discloses using digital signature technique to verify authorized system in a logon procedure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the use of digital signature for the benefit of its secure verification technique.

11. Claims 7-9 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' own admitted prior art in view of Ekushingu (JP Patent No. 08-214099) and Okuyama (U.S. Patent No. 5,987,126).

12. In respect to claims 7-9 and 13-14, Applicants' admitted prior art discloses a digital AV data transmitting unit, a receiving unit and a transceiving system comprising:

unit authentication rule information receiving means for receiving the information for one type of authentication rule owned by a digital AV data receiving unit;

transmitting-side authentication rule fetching means for fetching an authentication rule owned by the digital AV data receiving unit in accordance with the information for the authentication rule received by the unit authentication rule information receiving means;

and transmitting-side authenticating means for performing the authentication in accordance with the fetched authentication rule (see Applicants' admitted prior art drawing, Fig. 2, specification pages 1-3, background art).

Applicants' admitted prior art teaches a storing means for storing a single type of authentication rules but does not teach a storing means for a plurality of types of authentication rules. However, Ekushingu discloses an encryption and decryption program storage means to memorize the encryption and decryption program

corresponding to different information access level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a storing mean to store plurality encryption needs for the purpose of providing encryption according to different level of access needs.

Furthermore, Applicants' admitted prior art does not disclose but Okuyama discloses data significance deciding means for deciding the significance degree of digital AV data; transmitting-side authentication selecting means for selecting one type of authentication rule from the transmitting-side plurality of authentication-rule in accordance with a decision result by the data significance deciding means (see col. 9, lines 37-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the data deciding means and authentication selecting means in order to provide different level of encryptions according to different level of copy protection.

13. In respect to claims 15-16, Applicants' admitted prior art discloses a single-authentication digital AV data transmitting and receiving units connected to each other as applied to claims 14. Okuyama further discloses the plurality-of-authentications digital AV data receiving unit has the functions of the digital AV data transmitting unit (see col. 9, lines 61-65); and

the digital AV data transmitting unit has the functions of the plurality-of-authentications digital AV data receiving unit are connected with each other (see Fig. 23, and col. 27, lines 40-50).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Schneck et al. disclose a system for controlling access and distribution of digital property.

-Yamauchi et al. disclose a data transmitter, data transmitting method, data receiver, information processor, and information recording medium.


-Esserman et al. disclose an apparatus and method for upgrading terminals to maintain a secure communication network.

-Kheloo discloses a method and apparatus for user authentication.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner Tongoc Tran
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September 29, 2003